

REMARKS/ARGUMENTS:

By the present Amendment, claims 1 and 10 are amended. No new matter has been added. Claims 1 – 20 are now pending in the application, with claims 1 and 10 being independent.

Applicant has carefully considered the contents of the Office Action and respectfully requests reconsideration and reexamination of the subject application in view of the explanations noted below.

Rejection under 35 U.S.C. § 112 (second paragraph)

In paragraph 3, claims 1 – 9 are rejected under 35 U.S.C. § 112 (second paragraph) for insufficient antecedent basis for the “said roller” in claim 1. The amendment to claim 1 changes “said roller” to “said resistance member”, thereby providing sufficient antecedent basis. Therefore, the 35 U.S.C. § 112 (second paragraph) rejection of claims 1 – 9 should be withdrawn.

Rejection under 35 U.S.C. § 102(b)

In paragraph 5, claims 1, 4 and 7 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,821,486 to Paw et al. (the Paw patent). Applicant respectfully traverses this rejection, since the Paw patent clearly does not disclose, teach or suggest the subject matter of claims 1, 4 and 7.

Independent claim 1 recites, inter alia, the resistance member 41 being connected to the second end 35 of the pin 31 and contacting the rigid base 15 to prevent accidental movement of the switch assembly. The switch assembly is mounted on the rigid base 15. A lever 21 is connected to the switch assembly to move the switch assembly between opened and closed positions. A first end 33 of the pin 31 is connected to the lever 21.

The Paw patent discloses a gang-operated switch assembly 10, as shown in FIG. 1. Retention means 80, shown in FIGS. 4 and 5, prevents accidental closing of the switch assembly when in the open position. The retention means 80 includes a pin 82 threaded through shaft 55 and a spring plate 84 extending from the support 56. The spring plate 84 has a retention surface 86, as shown in FIG. 5, which in combination with the rounded end 88 of

pin 82 defines a positive retention position when the switch assembly 10 is in the open position. The retention surface 86 prevents movement of operating linkage 22 until sufficient force is exerted on shaft 55 to rotate pin 82 against surface 86 to deflect the spring plate 84 to allow movement of the operating linkage.

The Paw patent does not show a resistance member that contacts the base to prevent accidental movement of the switch assembly. As recited in amended claim 1, the switch assembly is mounted on the *rigid* base to prevent movement of the resistance member thereby. The rigidity of the base prevents the resistance member from moving past. The base 14, 20, 56 and 84 of the Paw patent is not rigid as recited in amended claim 1, since spring plate 84 *deflects* to allow the pin 82 to pass to operate the linkage. Thus, the lack of rigidity of the Paw spring plate allows the pin to pass to operate the linkage. Therefore, the Paw patent does not disclose a resistance assembly having a rigid base as recited in amended claim 1.

Furthermore, if the base 14 of the Paw patent is assumed to exclude spring plate 84 then the resistance member 82 does not contact the base 14, 20 and 56 to prevent accidental movement of the switch, as recited in amended independent claim 1. The Paw patent requires the addition of a spring plate 84 to prevent movement of the resistance member 82. Excluding the spring plate 84 from the base results in no contact between the base 14 and resistance member 82 of the Paw patent to prevent accidental movement of the switch assembly. Thus, the Paw patent does not disclose the resistance member contacting the base to prevent accidental movement of the switch.

To anticipate a claim, the reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently, in a single prior art reference." Verdegaal Bros. V. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Since the resistance member contacting the base to prevent accidental movement of the switch is not disclosed, suggested or taught in the Paw patent, independent claim 1 is not anticipated or rendered obvious by the Paw patent.

Since the Paw patent does not disclose, teach, or suggest all of the limitations in independent claim 1, Applicant submits that claim 1 is allowable.

Claims 4 and 7, as well as claims 2, 3, 5, 6, 8 and 9, being dependent upon independent claim 1, respectively, are also allowable for the above reasons. Moreover, claims 2 - 9 are not anticipated nor rendered obvious by the cited patent, particularly within the overall claimed combination. For example, the bearing assembly connected between the lever and the switch assembly of claim 2; the base being substantially U-shaped of claim 4; a first leg of the U-shaped base preventing movement of the resistance member of claim 5; the resistance member being a roller of claim 6; and the pin being made of a rigid, inflexible material of claim 7 are not anticipated or rendered obvious by the cited patent, particularly within the overall claimed combination.

Rejections under 35 U.S.C. § 103(a)

In paragraph 7, claims 6, 8 and 9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the Paw patent. Applicants respectfully traverse this rejection, since the Paw patent clearly does not disclose, teach or render obvious the subject matter of claims 6, 8 and 9.

As discussed above, the Paw patent does not disclose, teach or suggest a resistance member that contacts the base to prevent accidental movement of the switch assembly. Therefore, the Paw patent does not disclose nor render obvious the features of Applicant's invention recited in independent claim 1. Since the Manning patent does not disclose, teach, or suggest all of the limitations in independent claim 1, Applicant submits that claim 1 is allowable. Therefore, claims 6, 8 and 9, being dependent upon independent claim 1, are also allowable for the above-discussed reasons. Moreover, these dependent claims recite additional features further distinguishing them over the cited patents, such as the resistance member being a roller of claim 6; the resistance member being made of a thermoplastic material of claim 8; and the resistance member being made of delrin of claim 9. Therefore, dependent claims 6, 8 and 9 are not anticipated or rendered obvious by the cited patents, particularly within the overall claimed combination.

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Allowable Subject Matter

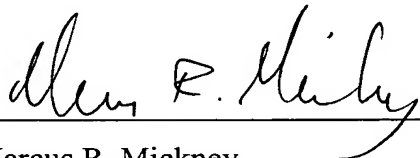
Applicant notes with appreciation that claims 10 – 20 are allowed.

Applicant also notes with appreciation that objected to claims 2, 3 and 5 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

* * *

In view of the foregoing amendment and comments, Applicant respectfully submits that claims 1 – 20 are in condition for allowance. Prompt and favorable action is solicited.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Marcus R. Mickney", is written over a horizontal line.

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